

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

IN RE NATIONAL PRESCRIPTION) MDL No. 2804
OPIATE LITIGATION) Case No. 17-MD-2804
) Judge Dan Aaron Polster
This document relates to:)
The Muscogee (Creek) Nation v.)
Purdue Pharma L.P., et al., Case No. 18-op-45459)

MOTION TO DISMISS FIRST AMENDED COMPLAINT BY DEFENDANT
OLYMPIA PHARMACY

Comes now Defendant Olympia Pharmacy having been served with summons in the above cause on or after the dates provided for to submit input, cooperation and consolidation for the development of a joint motion for dismissal, moves now in compliance with Case Management Orders One (DKT. # 232) and Six (DKT # 770) directing one consolidated brief for the represented pharmacy defendants, respectfully adopts and incorporates the well drafted pleading and memorandum of defendants pharmacy's *MOTION TO DISMISS FIRST AMENDED COMPLAINT BY DEFENDANT'S CAREFIRST PHARMACY, CITY DRUG, CITYPLEX PHARMACY, COUCH PHARMACY, CVS, ECONOMY PHARMACY, ERNIE'S PHARMACY, FREELAND BROWN PHARMACY, GADDY DISCOUNT DRUG, M&D STAR DRUG, MED-ECON DRUG, OMNICARE, PIPPENGER PHARMACIES, REASOR'S, ROGERS DRUG CO., SPOON DRUGS, WALGREENS, AND WALMART, (DKT # 928 and 928-1)* joining in requesting dismissal of the action with prejudice pursuant to Fed. R. Civ. P. 12(b)(1) and 12(b)(6).

Pursuant to Case Management Order One (DKT. 232) sections 2.g and 2.j Defendant Olympia Pharmacy does not waive and does hereby preserve any defenses not addressed in the motion and accompanying memorandum of law and reserve their rights to file additional motions as necessary at the appropriate times as identified in 2.j.

Dated October 12th, 2018

Respectfully submitted,

/s/ David C. Youll #16553

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CERTIFICATE OF SERVICE

I, David C. Youll, hereby certify that the forgoing document was serviced via the Court's ECF system to all counsel of record.

/s/ David C. Youll

Counsel for Olympia Pharmacy